

MARINO, TORTORELLA & BOYLE, P.C.

KEVIN H. MARINO
JOHN D. TORTORELLA
JOHN A. BOYLE

ROSEANN BASSLER DAL PRA*
EREZ J. DAVY*
ANTHONY J. TAGLIAFERRO

ATTORNEYS AT LAW
437 SOUTHERN BOULEVARD
CHATHAM, NEW JERSEY 07928-1488
TELEPHONE (973) 824-9300
FAX (973) 824-8425
www.khmarino.com

875 THIRD AVENUE, 21ST FLOOR
NEW YORK, NEW YORK 10022
TELEPHONE (212) 307-3700
FAX (212) 542-3790
e-mail: jtortorella@khmarino.com
*OF COUNSEL

August 23, 2024

VIA ECF

Honorable Brian R. Martinotti, U.S.D.J.
United States District Court
District of New Jersey
U.S. Post Office & Courthouse
2 Federal Square
Newark, NJ 07102

Re: *In re: Insulin Pricing Litigation*, No. 2:23-md-03080-BRM-RLS
MDL No. 3080 | Bi-weekly status report

Dear Judge Martinotti:

Pursuant to CMO #5, the parties provide the following status update for the weeks of August 12 and August 19:

- **Fact Sheets in Self-Funded Payer Track:** On August 16, Plaintiffs in the SFP Track provided Defendants with Plaintiffs' proposed final versions of a: (i) Plaintiff Fact Sheet, (ii) PBM Defendant Fact Sheet, and (iii) Manufacturer Defendant Fact Sheet. That same day, Defendants provided the SFP Track Plaintiffs with Defendants' proposed final version of a PFS. The parties conferred yesterday and agreed to proceed with briefing these issues.
- **Motions to Dismiss in SFP Track:** Yesterday, in accordance with CMO #6, the parties filed their briefing in connection with the Manufacturer Defendants' and PBM Defendants' Motions to Dismiss in the SFP Track. The parties filed their papers in support of and in opposition to the motion provisionally under seal, and the PBM Defendants have submitted a request on consent to extend the deadline to file a sealing motion by fourteen days.
- **Discovery CMO:** On August 21, Plaintiffs provided Defendants with a proposed Case Management Order governing Master Discovery Requests, Track-Specific Discovery Requests, Master Discovery in the Third-Party Payer Class Track, Fact Sheets, and Case-Specific Discovery in the SFP and State Attorney General Tracks. The parties briefly discussed this proposed CMO during yesterday's meet-and-confer. Defendants stated that they would follow up with a counterproposal to Plaintiffs' proposed CMO.
- **State AG Discovery:** Today, the State AG Plaintiffs reached out to Defendants to schedule a meet and confer on discovery issues specific to that track for next Thursday or Friday. Defendants will be responding with proposed times.

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Honorable Brian R. Martinotti, U.S.D.J.

August 23, 2024—Page 2

- **Class Track:** Pursuant to the Court's direction at the August 13, 2023 status conference, today the parties submitted a proposed consent order regarding, inter alia, the consolidation of the Direct Purchaser Action with the TPP PBM Actions, and creation of a Class Action Track.

Thank you for your continuing attention to this matter.

Respectfully submitted,

/s/ James E. Cecchi

James E. Cecchi

Liaison Counsel for

Third-Party Payer Track

/s/ Joanne Cicala

Joanne Cicala

Liaison Counsel for

The State Attorneys General Track

/s/ David R. Buchanan

David R. Buchanan

Liaison Counsel for

Self-Funded Payer Track

/s/ John D. Tortorella

John D. Tortorella

cc: All counsel of record